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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,403	03/22/2000	Yu Minakuchi	1341.1041/JDH	8398
21171 7590 06/29/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER MIRZA, ADNAN M	
			ART UNIT 2145	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/534,403	<b>Applicant(s)</b> MINAKUCHI ET AL.	
	<b>Examiner</b> Adnan M. Mirza	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7,9,11-13 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7,9,11-13,18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Examiner is sending a response without the old amendments as agreed by the applicant and awaits Applicant's new amendments as it was suggested during the interview dated June 13 2007.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7,9,11-13,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al (U.S. 5,938,734), Ueno et al (U.S. 6,438, 596) and Kanazawa et al (U.S. 6,580,870).

4. As per claims 3,12,13 Yao disclosed further comprising a distribution control unit distributing over a network a content as real-time reproducible stream information regarding a distribution of a content as real-time reproducible stream information of the content at the receiving device (col. 3, lines 1-20 & col. 11, lines 17-27); and a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit, wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information (col. 3, lines 1-20).

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However Yao failed to disclose a reproduction control unit to control the distribution control unit regarding distribution of the content to the receiving device.

In the same field of endeavor Ueno disclosed communication means for transmitting the real time data; reproduction means for receiving and reproducing the real time data; communication means for transmitting the real time data; reproduction means for receiving and reproducing the real-time data; reproduction means for receiving and reproducing the real time data; communication-network-resources management control means for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means; storage-resources management control means for managing the kind of the real-time data stored data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). Therefore, it is possible to prevent the user from wasting time and labor for interactively selecting a required real-time data, so that it is possible to improve the facility for the user (col. 4, lines 62-64).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the reproduction control unit which controls said receiving device, regarding a real-time reproduction of the stream information as taught by Ueno in the method of Yao to be more versatile in the methodology of digital data streaming and reduce the cost.

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However Yao-Ueno failed to disclose in detail to control over the network according to reproduction instructions, display output control of the stream information of the content to be reproduced at the receiving device, the display output control related to one or more display output control permission, a display layout comprising one or more of a display size or display position, or a reproduction speed, an image quality comprising one or more of a number of display colors, a lightness or a chrome, or whether to superimpose the content with another content.

In the same field of endeavor Kanazawa disclosed the first embodiment is described in connection with the case where external information is acquired on the basis of information management table in the reproduction of the title information (encoded stream ) stored in the DVD. However present invention can be applied to a reproduction system designed mainly for TV broadcasting or CATV (Such a system is also called "set top box" IRD, which can acquire stream data corresponding to the title information. Further in such a reproduction system, it is possible to employ a configuration in which the information management table is acquired separately from stream data (col. 8, lines 50-63).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the first embodiment is described in connection with the case where external information is acquired on the basis of information management table in the reproduction of the title information (encoded stream) stored in the DVD. However present invention can be applied to a reproduction system designed mainly for TV broadcasting or

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CATV (Such a system is also called “set top box” IRD, which can acquire stream data corresponding to the title information. Further in such a reproduction system, it is possible to employ a configuration in which the information management table is acquired separately from stream data as taught by Kanazawa in the method of Yao-Ueno be more versatile in the methodology of digital data streaming and reduce the cost.

5. As per claim 2 Yao-Ueno-Kanazawa-Kanazawa disclosed further comprising a change-over unit to be manipulated by an operator for changing a control of the reproduction control unit to another control condition, wherein said reproduction control unit controls said receiving device according to the control condition (Ueno, col. 5, lines 3-25).

6. As per claim 4 Yao-Ueno-Kanazawa disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving device and prohibits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 18, lines 43-57).

7. As per claim 5 Yao-Ueno-Kanazawa disclosed wherein a plurality of said receiving devices are provided, and said reproduction control unit carries out an identical control to each of said receiving devices and permits an execution of an external control relating to a reproduction at said receiving devices (Ueno, col. 14, lines 11-30).

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8. As per claims 6,7 Yao-Ueno-Kanazawa disclosed a distribution control unit which controls an information distribution device to distribute real-time reproducible stream information to the distribution control unit itself (Yao, col. 11, lines 15-37); an editing unit receiving the content as the real-time reproducible stream information from an information distribution device, and editing and distributing the received real-time reproducible stream information (Ueno, col. 4, lines 32-50) wherein the reproduction control unit controls the receiving device regarding the real-time reproduction of the edited stream information (Ueno, col. 12, lines 23-34).

9. As per claims 9,11 Yao-Ueno-Kanazawa disclosed the invention substantially in claim 1 including further comprising a distribution control unit distributing over a network a plurality of contents each as stream information including moving picture data that can be reproduced in real time to a receiving device (Yao, col. 3, lines 1-20); a reproduction control unit to control over the network the distribution control unit regarding the distribution of the plurality of stream information of the contents to the receiving device and to control over the network according to reproduction instructions, a display output control of the stream information of the content to be reproduced at the receiving device, the display output control related to one or more display output control permission, a display layout comprising one or more of a display size or display position, or a reproduction speed (Kanazawa, col. 8, lines 50-63), an image quality comprising one or more of a number of display colors, a lightness or a chrome, or whether to superimpose the content with another content (Ueno, col. 12, lines 23-34); and a memory unit storing importance level information on the importance level of each content (Yao, col. 4, lines 6-21),

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wherein reproduction control unit controls over the network the receiving device so as to reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information (Ueno, col. 14, lines 11-30).

10. As per claim 18 Yao-Ueno-Kanazawa disclosed wherein the reproduction control unit controls the distribution of the content and /or the display output control of the content at the receiving device according to traffic volume of the network and/or processing capacity of the receiving device (Kanazawa, col. 8, lines 50-63).

### ***Response to Arguments***

Applicant's arguments filed 3/24/2007 have been fully considered but they are not persuasive.

Applicant's argument is as follows.

11. Applicant argued that prior art did not disclose the present invention's distribution control unit distributing "a content as real-time reproducible stream information.

As to applicant's argument Yao disclosed in Fig. 2, J indicates the maximum jitter number which is determined according to the following formula  $J < BM \cdot D \cdot T - 1$  where B is a ration of a size of a buffer memory that can be used by one stream and size of one block of the real time stream data,



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M is a time (a number of slots) for reproducing one block at a client, T is a time (a number of slots) for transferring one block to a client, and D is an estimated maximum delay time (a number of slots) in a case where disk access end timing extends beyond the end timing of the allocated time-slot (col. 11, lines 11-23). One ordinary skill in the art at the time of the invention can understand that in the above statement Yao has the means to reproduce the real time data stream.

12. Applicant argued that prior art did not disclose externally control real-time content level distribution to a receiving device and to externally control real-time reproduction of the content at the receiving device.

As to applicant's argument in the above statement "externally" is not part of the claimed language. If the argument considered Yao did disclose a method for operating a real time stream server having a plurality of disk devices and a buffer memory, comprising the steps of: entering real time stream data into the real time stream server; determining the number of unit streams to be used and a block transfer time for real time stream data (col. 3, lines 1-8).

13. Applicant argued that prior art did not disclose a reproduction control unit that controls the real time reproduction of the stream information of the content at the receiving device.

As to applicant's argument Ueno disclosed communication-network-resources management control means for managing communication resources of the communication means and for

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establishing a communication line between the data storage means and the reproduction means; storage-resources management control means for managing the kind of the real-time data stored data storage means, and for managing the number of real-time data being able to be transmitted by the data storage means at the same time, to determine one of the plurality of data storage means, by which a required real time data is to be transmitted; and service control means for accepting a demand for services from a user (col. 4, lines 32-50). One ordinary skill in the art at the time of the invention can interpret the communication-network-resources management control as reproduction control unit.

14. Applicant amended the claims and added that prior failed to disclose “reproduction instructions to the receiving device”.

As to applicant’s argument Ueno disclosed communication-network-resources management control means for managing for managing communication resources of the communication means and for establishing a communication line between the data storage means and the reproduction means (col. 4, lines 39-41). The control means informing the user of only a real-time data, which is able to be offered immediately if selected, as a real-time data to be selected. In this system, the user is previously informed of real time data which can be guaranteed to be offered immediately, so that the user can be select a real-time data among the informed real-time data (col. 4, lines 59-64). One ordinary skill in the art at the time of the invention consider user as receiving device and the reproduction means as reproduction instructions being sent to the user.

15. Applicant argued that prior art did not disclose “storing importance level information of each content to control over the network the receiving device to reproduce a higher priority stream information of other contents based on the stored importance level information:.

As to applicant’s arguments Ueno disclosed that an elapsed period of time from the final access completing time of a video source I is  $t_i$  and a required reproduction period of time from the head of the video source I to the end of the segment of number j is  $T_{ij}$ . In this case, the degree of priority  $P_{ij}$  of the segment j of the video source I is derived from  $P_{ij}=t_i*T_{ij}$  (col. 22, lines 5-10). Ueno disclosed prioritizing the video segment for reproduction.

Examiner addressed all the new limitation added to the claims. Examiner recommends providing more subject matter in the claims.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

17. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s

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supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER